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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,981	03/23/2005	Jena-Marie Vau	85052DAN	6374
1333 7590 10/16/2007 EASTMAN KODAK COMPANY PATENT LEGAL STAFF 343 STATE STREET ROCHESTER, NY 14650-2201			EXAMINER KIM, HEE SOO	
			ART UNIT 2157	PAPER NUMBER
			MAIL DATE 10/16/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,981

Applicant(s)

VAU ET AL.

Examiner

Hee Soo Kim

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to amendment filed on 8/2/2007.

Response to Arguments

Applicant's arguments filed 8/2/07 have been fully considered but they are not persuasive.

Regarding applicant's argument (Pg. 6, 5th par.), the examiner maintains Chen does imply archiving the contents of multimedia messages for an undetermined period of time in a storage means in a server (Par. [0036]~[0037], annotated data are stored in databases (214/214' of Fig. 2) to be retrieved and viewed at a later time). Data are synchronized between the databases and may be retrievable and viewed from either one of them. Therefore, Chen meets the limitation of archiving the contents of multimedia messages for an undetermined period of time.

Regarding applicant's argument (Pg. 7, 2nd par.), applicant argues Chen does not recognize and therefore does not address the problem of temporary archiving of data in a server, after which automatic destruction of said data occurs to free the storage capacity of the server. Examiner finds applicant's argument not persuasive because it is readily apparent that a server may be a computer or device on a network with capabilities of allowing data to be stored temporarily and/or permanently.

Regarding applicant's argument (Pg. 7, 3rd par.), applicant argues Kuzma does not teach archiving the content of multimedia messages in a means included in the network for an undetermined period. Examiner maintains Kuzma taught e-mail message

may be temporarily stored in a centralized server before being transmitted to the sender(s) (Pg. 5, Lines 29~48).

Thus, in view of such, the rejection is sustained as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1~12 are rejected under 35 U.S.C. 102(e) as being anticipated over Chen et al. hereinafter Chen (US 2002/0169893).

Regarding Claim 1,

Chen taught a method enabling a communication of at least one multimedia message between at least two terminals, located in a digital network comprising a first data server and a second data server, the first data server comprising a first user data base and a first storage means and the second data server comprising a second user data base and a second storage means (Fig. 2), said method comprising the following steps:

from at least one multimedia message sent from a first terminal and intended to be sent to a receiving address of a second terminal, the content of said multimedia message being temporarily saved in the first storage means comprised in the first data server, determine a subscription identifier to an archiving service of the second terminal,

Art Unit: 2157

the archiving service being specific to the second data server (Pg. 2, Par. [0026], Fig. 2, computer data synchronization system includes databases, servers, and synch application communicating with plurality of reception devices (terminals) via LAN or Internet; Pg. 4, Par. [0036], annotated data contains identification data for retrieving and viewing data at a later time);

associate the receiving address with the subscription identifier to the archiving service of said second terminal (Pg. 4, Par. [0036], the controlling reception device creates user identification data of the annotated data for storage in the servers, synchronize, and allow retrieval at a later time);

send the content of the multimedia message from the first data server to the second data server (Pg. 6, Par. [0041]~Pg. 7, Par [0042], synchronize between the servers);

archiving the content of the multimedia message in the second storage means comprised in the second data server for an undetermined period without depending on a preset period at the end of which said multimedia message is destroyed were not explicitly disclosed (Pg. 4, Par. [0036]~[0037], annotated data are stored in databases to be retrieved and viewed at a later time).

Regarding Claim 2,

Chen taught wherein the content of the multimedia message sent comprises at least one image, at least one text element, and at least one audio partition (Par. [0028], Lines 10~17).

Regarding Claim 3,

Art Unit: 2157

Chen taught before the archiving step, an automatic extraction is performed from a part of the content of the multimedia message (Par. [0028], Lines 20-30, the synch application receives synchronization data from a controlling one of the plurality of reception devices to provide a portion of the original computer data to the plurality of reception devices).

Regarding Claims 4,

Chen taught before the archiving step, at least one image is extracted from the multimedia message (Par. [0028], Lines 20-30, examiner is interpreting the portion of the original computer data shown in the display will show a combination of text, audio, and/or image to the plurality of reception devices).

Regarding Claims 5,

Chen taught before the archiving step, at least one text element is extracted from the multimedia message (Par. [0028], Lines 20-30, examiner is interpreting the portion of the original computer data shown in the display will show a combination of text, audio, and/or image to the plurality of reception devices).

Regarding Claims 6,

Chen taught before the archiving step, one part of the data forming the audio partition is extracted from the multimedia message (Par. [0028], Lines 20-30, examiner is interpreting the portion of the original computer data shown in the display will show a combination of text, audio, and/or image to the plurality of reception devices).

Regarding Claims 7,

Chen taught the extraction is performed from the first server (Fig.2 and 3, the computer synchronization system clearly shows the synch application is present on both servers).

Art Unit: 2157

Regarding Claim 8,

Chen taught the extraction is performed from the second server (Fig.2 and 3, the computer synchronization system clearly shows the synch application is present on both servers).

Regarding Claim 9,

Chen taught the multimedia message archived in the second server is automatically reformatted to be enriched with additional data, before sending the reformatted message to the second terminal (Pg. 4, Par. [0036], annotated data can be superimposed over the portion of original computer data).

Regarding Claim 10,

Chen taught the additional data comprise a notification of archiving information of the multimedia message on the second server (Pg. 4, Par. [0036], the additional annotated data could display the saving of the corresponding annotated data's meta-data or providing it to a user upon interaction with the corresponding annotated data).

Regarding Claim 11,

Chen taught the additional data comprise a dynamic link to a user account of the recipient of the multimedia message (Pg. 4, Par. [0036], annotated data may contain user identification data, where the user identification may include, but is not limited to, the user's name).

Regarding Claim 12,

Chen taught the additional data comprise a dynamic link to perform an archiving confirmation request (Pg. 4, Par. [0036], additional annotated data can display the saving of the corresponding annotated data's meta-data or providing it to a user upon interaction with the corresponding annotated data).

Art Unit: 2157

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. hereinafter Chen (US 2002/0169893) in view of Kuzma (US 5,771,355).

Regarding Claim 13,

Chen did not explicitly teach the dynamic link also enables an archiving automatic billing request to be performed. However, Kuzma taught the cost of transporting file attachments and file storage is estimated (Pg. 10, Lines 24~26). This implies a billing service may be implemented for the rights to use the archive service. Furthermore, this is sufficient motivation to enable annotated data to further include billing information, which would allow for the system to apportion cost to subscribers based on relative use of the archiving service resources.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to implement in Chen's system, an additional hyperlink in the annotated data, enabling automatic billing request for the rights to use the archive service as this would allow messages to be saved and viewed at a later time without worrying the messages will get deleted.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2157

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US Patent 5,710,922, US 2001/0032263, US Patent 6,609,138 and US Patent 5,941,951.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Friday 8:00AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Application/Control Number: 10/528,981

Page 10

Art Unit: 2157

10/9/07

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